

# **Legislative Branch**

## **Mission, Goals, and Objectives**

**2005 Biennium**

**November 2002**

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# Legislative Branch Agency Summary

## Mission and General Description of the Branch

The mission of the **Legislature** is to exercise the legislative power of state government vested in the Legislature by The Constitution of the State of Montana. The mission of the **Legislative Branch**, i.e., the consolidated legislative agency, is to provide the administrative structure to support accomplishment of the mission of the Legislature and the other entities included in the consolidated agency.

The **Legislative Branch** consists of entities consolidated with the **Legislative Council** as provided in 5-2-503, MCA. The principal entities of the consolidated Legislature are the **Senate** and the **House of Representatives** (which together compose the Legislature), the **Legislative Services Division**, the **Legislative Fiscal Division**, and the **Legislative Audit Division**.

The **Senate** consists of 50 members representing single-member districts composed of two representative districts. Senators are elected for 4-year terms with half the members elected every 2 years. The Senate serves as an equal partner with the House of Representatives in the consideration of most matters related to the exercise of the legislative power of the state. The unique functions of the Senate include confirming gubernatorial appointments and conducting trials of impeachment.

The **House of Representatives** consists of 100 members representing single-member districts. Representatives are elected to 2-year terms. The House of Representatives serves as an equal partner with the Senate in the consideration of most matters related to the exercise of the legislative power of the state. The unique functions of the House of Representatives include the introduction of appropriations measures into the process and the bringing of impeachment.

The mission of the **Legislative Services Division** is to provide research, reference, legal, technical, information technology, and administrative support services to the House, Senate, and other divisions of the Legislative Branch in support of effective and efficient operation of the Legislative Branch and to support the mission of the Legislative Council. Division services (with citations to appropriate statutory or rules authority) include the following:

- (1) bill and amendment drafting, preparation of bills for introduction, and the engrossing and enrolling of bills (5-11-112, MCA; Joint Rules 10-120, 40-40, 40-100, and 40-110);
- (2) publication of legislative documents of record (Title 5, chapter 11, part 2, MCA; Joint Rules 10-160 and 10-170);
- (3) provision of legislative research and reference services (5-11-112, MCA);
- (4) legal counseling on legislative matters and legal support for the Legislative Branch (5-11-112, MCA);

- (5) management and business services for the Legislative Branch (5-11-112, MCA; Joint Rule 10-100);
- (6) committee staffing for the Districting and Apportionment Commission and the Legislative Branch Computer Systems Planning Council (5-1-106, 5-11-112, and 5-11-404 MCA);
- (7) preparation, publication, and distribution of the *Montana Code Annotated* text and annotations (Title 1, chapter 11, MCA);
- (8) review of the text of proposed ballot measures (13-27-202, MCA);
- (9) provision of legislative information to the public (5-11-112, MCA);
- (10) support of the computer network and applications planning, installation, and maintenance for the Legislative Branch (Title 5, chapter 11, part 4, MCA);
- (11) provision of state government broadcasting services (Title 5, chapter 11, part 11, MCA);
- (12) provision of sufficient and appropriate support to the Environmental Quality Council in order that it may carry out its statutory duties within the limits of legislative appropriations (75-1-323 and 85-2-105, MCA); and
- (13) other services as assigned and funded by the Legislature (5-11-112, MCA; Joint Rule 10-100 and various other rules).

The Legislature established the Legislative Services Division in 1957 as the Legislative Council. Principal statutory authority is found in Title 1, chapter 11, and Title 5, chapters 5 and 11, MCA.

The mission of the **Legislative Fiscal Division** is a commitment to enhancing the legislative process through understandable and objective fiscal policy analysis and information. Division services (with citations to appropriate statutory authority) include the following:

- (1) provision of staffing and support to the Legislative Finance Committee (5-12-301, MCA);
- (2) general statutory duties of the Legislative Fiscal Analyst (5-12-302, MCA), which include:
  - (a) provision of fiscal analysis of state government and the furnishing of information bearing upon the financial matters of the state relevant to issues of policy and of statewide importance;
  - (b) identification of ways to effect economy and efficiency in state government;
  - (c) estimation of revenue and analysis of tax policy;
  - (d) analysis of the executive budget;

- (e) furnishing reports and recommendations on fiscal issues as considered appropriate, as well as those requested by the Legislative Finance Committee and the Legislature; and
  - (f) assisting legislative committees and individual legislators in compiling and analyzing fiscal information;
- (3) staffing and providing research and analysis for the postsecondary education policy and budget functions of the Education and Local Government Interim Committee;
- (4) provision of assistance to the Revenue and Transportation Interim Committee in revenue estimation (5-18-107, MCA);
- (5) review of biennially earmarked revenue and statutory appropriation provisions (17-1-508, MCA);
- (6) review of supplemental appropriations (17-7-301, MCA);
- (7) review of budget amendments (17-7-404, MCA);
- (8) provision of presession budget projections;
- (9) staffing appropriations committees and subcommittees;
- (10) preparation of the General Appropriations Act;
- (11) provision of general fund status reports;
- (12) provision of legislator fiscal training; and
- (13) preparation of the postsession Legislative Fiscal Report.

The Legislature established the Legislative Fiscal Division in 1974 as the Office of the Legislative Fiscal Analyst. Principal statutory authority is found in The Legislative Finance Act (Title 5, chapter 12, MCA).

The mission of the **Legislative Audit Division** is to conduct independent audits under supervision of the Legislative Audit Committee, as provided by law, and to provide factual and objective information to the legislative and executive managers of the public trust. Division services (with citations to appropriate statutory or rules authority) include the following:

- (1) conduct and reporting of biennial financial compliance audits and special audits as needed (5-13-304, MCA);
- (2) reporting of violation of penal statutes, instances of misfeasance, malfeasance, or nonfeasance, and shortages discovered in an audit that are covered by surety (5-13-304, MCA);

(3) auditing records of entities under contract with the state as needed (5-13-304, MCA);  
and

(4) assisting the Legislature, its committees, and its members during legislative sessions by gathering and analyzing information relating to the fiscal affairs of state government (5-13-306, MCA).

The Legislative Audit Division may examine, at any time, the books, accounts, and records, confidential or otherwise, of a state agency.

The Legislature established the Legislative Audit Division in 1967 as the Office of the Legislative Auditor. The function became constitutionally required with the adoption of the 1972 Constitution. Principal statutory authority is found in The Legislative Audit Act (Title 5, chapter 13, MCA).

## Branch Organization

The officers of the **Senate** are the President, the President *pro tempore*, the majority floor leader, the minority floor leader, the majority whip, and the minority whip. The President of the Senate is the presiding officer and budget-approving authority for the Senate. The President of the Senate and the President *pro tempore* are elected by the Senate, while the other officers are elected by the respective caucuses. The President appoints the Secretary of the Senate, Sergeant-at-Arms, and Chaplain, subject to confirmation by the Senate. The Senate is further organized into standing committees and *ad hoc* or select committees, the membership of which is appointed by the Committee on Committees.

The officers of the **House of Representatives** are the Speaker, the Speaker *pro tempore*, the majority floor leader, the minority floor leader, the majority whip, and the minority whip. The Speaker of the House is the presiding officer and the budget-approving authority for the House of Representatives. The Speaker and the Speaker *pro tempore* are elected by the House of Representatives, while the other officers are elected by the respective caucuses. The Speaker appoints the Chief Clerk of the House and the Sergeant-at-Arms, subject to confirmation by the House. The House of Representatives is further organized into standing committees and *ad hoc* or select committees, the membership of which is appointed by the Speaker.

The **Legislative Services Division** is headed by an executive director and works within policy set by the 12-member bipartisan **Legislative Council**, which is composed of four members of the House of Representatives and four members of the Senate, as well as the Speaker, President, and minority leaders of each house. Employees are organized into five functional offices: the Central Services Office, the Office of Research and Policy Analysis, the Legal Services Office, the Office of Legislative Information Technology, and the Legislative Environmental Policy Office.

The Central Services Office includes management, purchasing, publications distribution, financial and personnel functions, final preparation of Legislative documents, legislative printing and distribution, and legislator information and telecommunications services.

Financial employees maintain Legislative Branch accounting and personnel records, process claims and payrolls, prepare and monitor budgets, and requisition supplies and equipment.

Document publication and distribution involves final preparation of Legislative Services Division publications, coordination with printing contractors, and development and maintenance of customer databases to control distribution, billing, collections, and accounting for publications in stock.

Documents processing employees are responsible for the final preparation of Legislative documents.

Final document preparation includes technical processing and proofing of introduced bills, engrossing and enrolling of bills, operation of computer graphics programs, preparation of camera-ready copy for publications, including the text of and annotations to the *Montana Code Annotated*, *Rules of the Montana*

*Legislature*, code sections affected list, *History and Final Status*, session laws, and others, and maintenance of databases used for these purposes.

Legislative Printing and Distribution is activated just before a legislative session and operates until a few weeks after session adjournment. The distribution center distributes bills, amendments, resolutions, indexes, daily status, rules, and journals to legislators, state agencies, lobbyists, and other subscribers to the legislative proceedings. Proceedings are mailed daily to County Clerk and Records and depository libraries in the state. The printing and distribution employees order all printing, set priorities on the printing based on legislative needs, and deliver printed proceedings to the House and Senate. The office also posts documents for electronic access.

During a legislative session, the Legislative Information and Telecommunications Service is in operation. This service is established just before a legislative session, operates 6 days a week during session, and provides legislative information to the public and Capitol visitors, telephone reception and messaging service for the Legislature, and distribution of appropriate current information documents.

The Office of Research and Policy Analysis, the Legal Services Office, and the Legislative Environmental Policy Office share many of the same responsibilities. All three offices perform general and specialized research, reference, and information functions. All three offices staff legislative committees during the session and throughout the interim, draft legislation, prepare legislative and staff reports, and provide information on the legislative process to the public.

The Office of Research and Policy Analysis has primary responsibility for staffing interim committees and providing reference services.

The Office also maintains a reference library that provides access to items of special interest to legislators and Legislative Branch employees. The library maintains a liaison with other libraries to help make information available as quickly as possible. The library also oversees filing policy and procedures in the Legislative Services Division and ensures maintenance and retrieval of files as assigned.

Division reception and secretarial services are also provided by the research office. Secretaries support interim committee meetings through document preparation, composition of minutes, and maintenance of committee files.

The Office also manages Television Montana (TVMT), a state public affairs television and Internet broadcasting service. The purpose of TVMT is to provide Montana citizens with increased and unfiltered access to unbiased information about state government deliberations. For example, the service provides gavel-to-gavel coverage of the Senate and House floor sessions and selected standing committee meetings.

The Legal Services Office provides primary support for the Code Commissioner. The Code Commissioner, who is also the Legal Services Office Director, supervises the



continuing codification, indexing, rearranging, and general updating of the text of and annotations to the *Montana Code Annotated*, a primary responsibility during the interim.

The employees also review Executive Branch rules and support the interim committees in their consideration of proposed rules, review all proposed ballot measures for conformity with the Legislative Services Division *Bill Drafting Manual*, and provide legal counseling to legislators and other Legislative Branch personnel and entities.

Editors in the Legal Services Office help maintain high quality in Legislative Services Division documents and publications, including legislation, initiative proposals, interim reports, and legal memorandums.

Indexers provide services in support of the Legislative Services Division's responsibilities. The indexers produce the *Montana Code Annotated* index, the *Legislative Review* index, the session law indexes, the *Bill Drafting Manual* index, and the *Legislative Rules* index. Major indexes are updated during and after each legislative session, and the *Montana Code Annotated* index undergoes continual editing and revision.

The Office of Legislative Information Technology provides computer network support and applications development services to support planning, developing, and maintaining the computer network, systems, and applications used to provide Legislative Branch services.

The Legislative Environmental Policy Office (LEPO), under the supervision of the Legislative Environmental Analyst, is responsible for assisting Environmental Quality Council (EQC) members in the fulfillment of their statutory duties.

LEPO employees act as an impartial source of information on environmental and natural resource matters for the EQC, the Legislature, and the public. Employee responsibilities include researching and writing reports, organizing and monitoring public meetings and hearings, drafting proposed legislation, and conducting studies assigned by the Legislature.

The **Legislative Fiscal Division** is headed by the Legislative Fiscal Analyst and works within policy set by the 12-member bipartisan Legislative Finance Committee, which is composed of at least four members of the House Appropriations Committee, four members of the Senate Finance and Claims Committee, and two members appointed at large from each house. The employees are organized into three functional areas: revenue estimation and tax policy, budget analysis, and office management (administrative support/information services).

Revenue estimation and tax policy employees provide estimates of future state revenue for state operating accounts and trust funds. The group also provides analysis of the impact of tax policy on state revenue, local government revenue, and the distribution of taxpayer burdens. Employees provide support for the Revenue and Transportation Interim Committee during the interim and during budget development and for the taxation committees during a session.

Budget analysis employees provide fiscal analysis of actual, projected, and proposed expenditures of state government, including the proposed executive budget each

biennium. Budget analysis employees also provide support and analysis for appropriations and interim committees in budget development and monitoring, as well as other issues of fiscal public policy, including examination of current and proposed programs for economy and efficiency.

Office management employees perform final text processing support to analysts in formatting major documents, such as the biennial budget analysis and appropriations report and *ad hoc* reports and related documents, provide reception services, and provide other office administrative support as required.

The **Legislative Audit Division** is headed by the Legislative Auditor who is appointed for a two-year term by the 12-member Legislative Audit Committee. The Division consists of three auditing components: Financial-Compliance Audit, Performance Audit, and Information Systems (IS) Audit, with support from administrative employees. In addition to audits described later, auditors in each component complete work on legislative requests and special projects using less formal procedures and guidelines than those used for completion of full audits.

Financial-Compliance Audit employees perform audits of state agencies and local governments, in accordance with applicable audit standards, to determine whether an entity's financial operations are properly conducted, the financial reports are presented fairly, and that it has complied with applicable laws and regulations. Each year, the Audit Division issues between 24 and 30 financial-compliance audit reports. Hours required to complete an audit range from 80 to 5,500, depending on audit complexity. Employees also investigate identified or suspected fraudulent activities involving federal or state agencies.

Performance Audit employees perform objective and systematic examinations of evidence, designed to assess the performance of state government operations. The performance audit process typically includes a comprehensive review of a program's statutory directives, mission, and strategies. Auditors evaluate program operations in relation to principles of proper management, control, and use of resources and in accordance with federal auditing standards. A determination is made as to whether agencies and programs are accomplishing their purposes and whether they can do so with greater efficiency and economy.

Performance audits include economy and efficiency audits and program audits. Economy and efficiency audits determine whether a program is making the most efficient use of its resources. Program audits help to determine whether a program is achieving the desired results or benefits established by the Legislature, is effective, and is complying with applicable laws and rules.

The Division issues from 5 to 10 performance audit reports a year. Hours required to complete a performance audit range from 500 to 4,000, depending on the audit objectives. The Legislative Audit Committee establishes the priorities for the completion of performance audits. Performance audits may also be required by statute.

Information Systems (IS) employees conduct audits that combine some of the elements of both financial-compliance and performance audits. Controls within an IS environment are examined to determine whether controls exist and are operating to provide assurance over

the accuracy, reliability, and integrity of the information processed and reported. In addition, IS audits address efficiency and effectiveness issues, such as acquisition of computer equipment and security and management of computer resources.

Each year, the Division issues from two to five IS audit reports. Hours required to complete an IS audit range from 300 to 2,500, depending on complexity and audit objectives. In addition, IS audit employees provide approximately 1,200 hours of computer support to all employees.

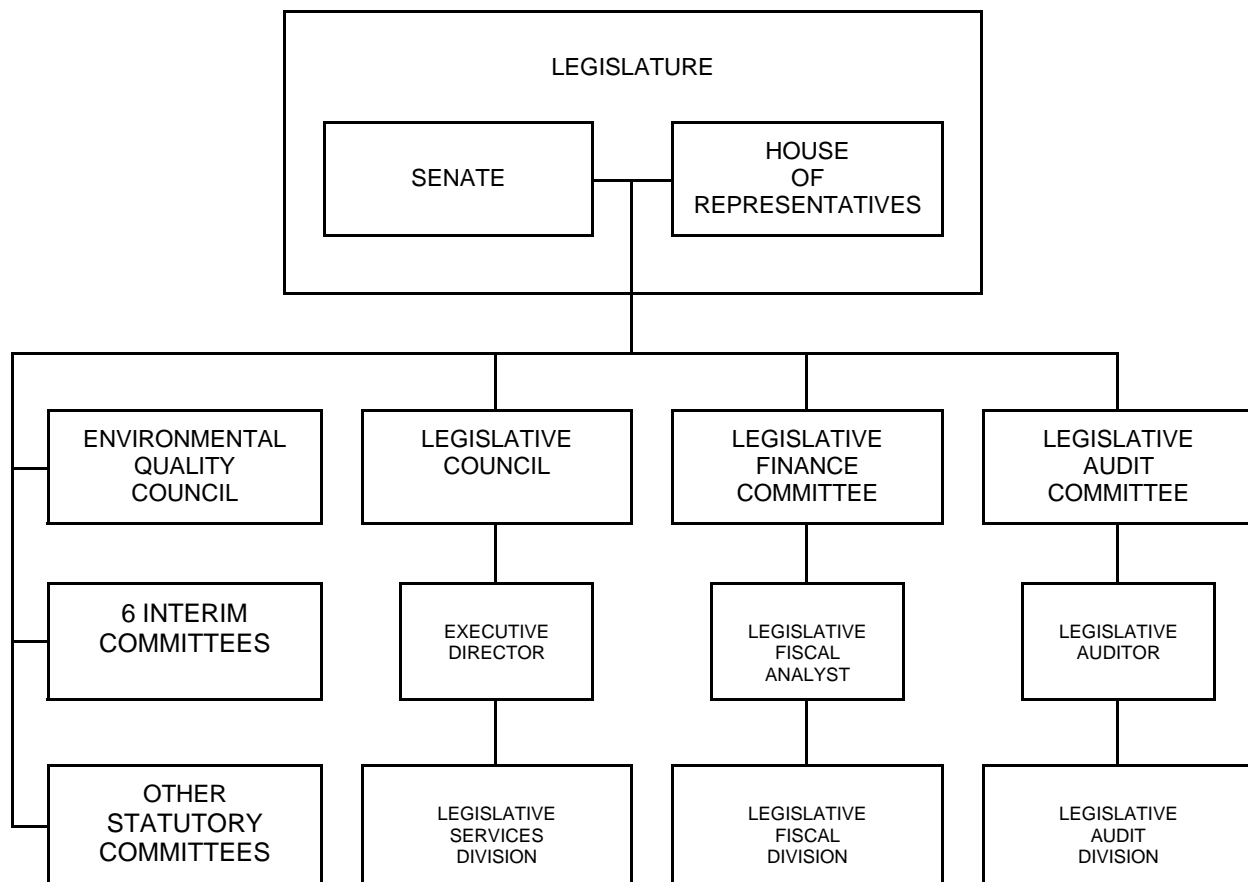
Administrative employees perform final text processing support to auditors in formatting reports and related documents, provide reception services, and provide other office administrative support as required.

## Legislative Branch Program Structure

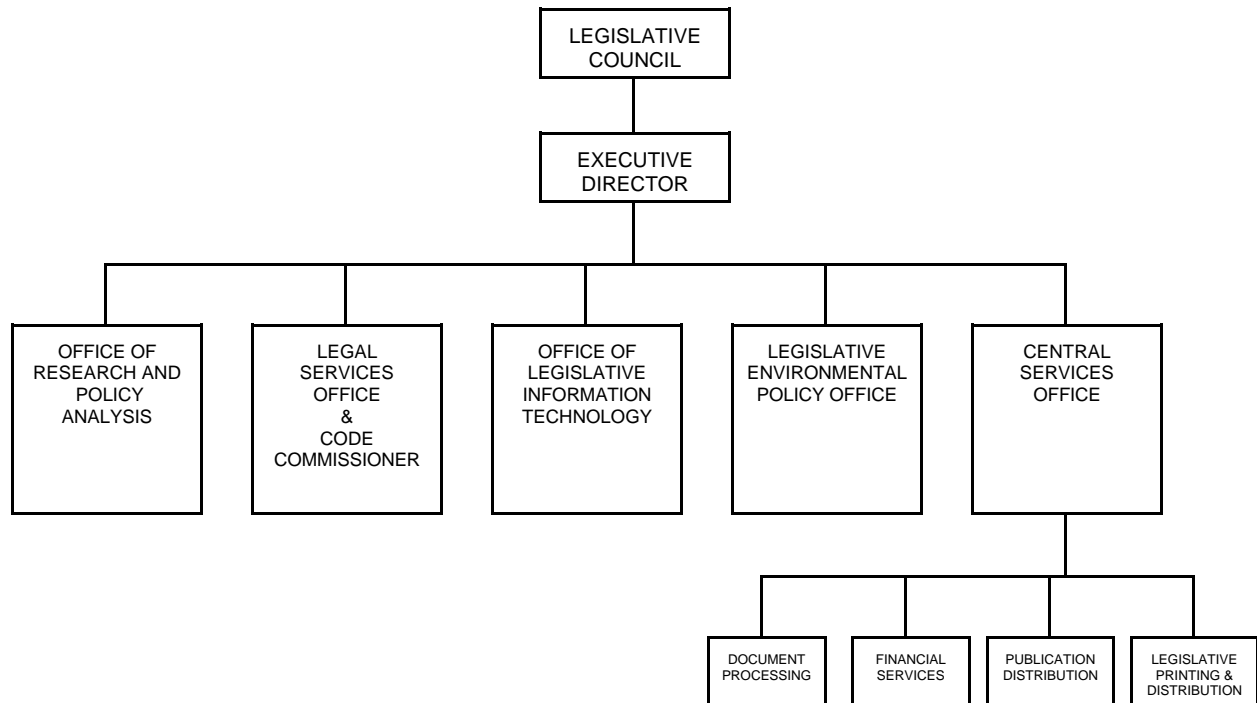
Legislative Branch agency activities are organized into seven programs:

<b>Pgm No.</b>	<b>Program Name</b>	<b>Operating Division</b>	<b>Approving Authority</b>
20	Legislative Services	Legislative Services Division	Legislative Council
21	Interim Committees and Activities	Legislative Services Division	Legislative Council
22	Services Division Feed Bill	Legislative Services Division	Legislative Council
25	Senate	Senate	President of the Senate
26	House of Representatives	House of Representatives	Speaker of the House
27	Fiscal Analysis and Review	Legislative Fiscal Division	Legislative Finance Committee
28	Audit and Examination	Legislative Audit Division	Legislative Audit Committee

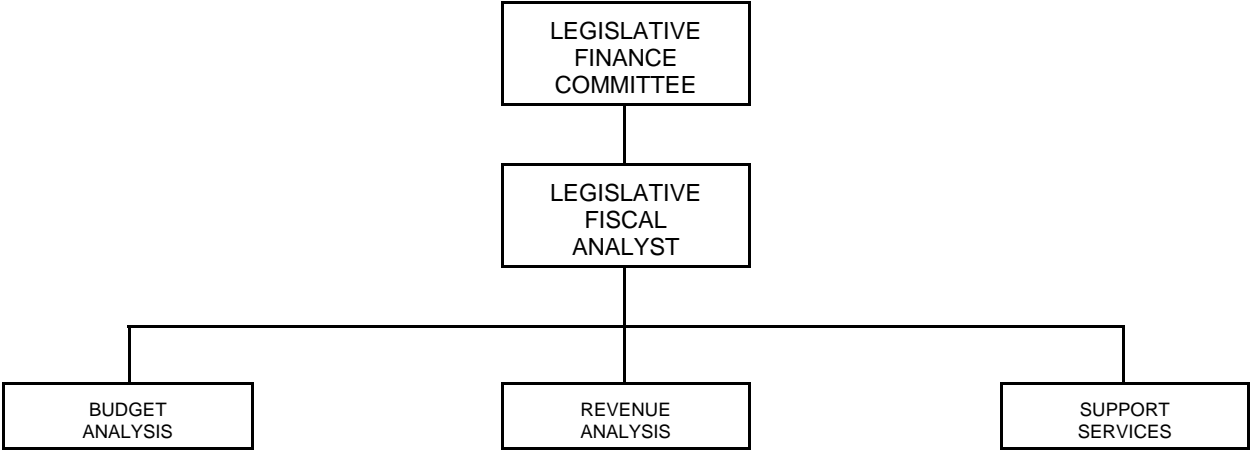
**Legislative Branch  
ORGANIZATIONAL CHART**



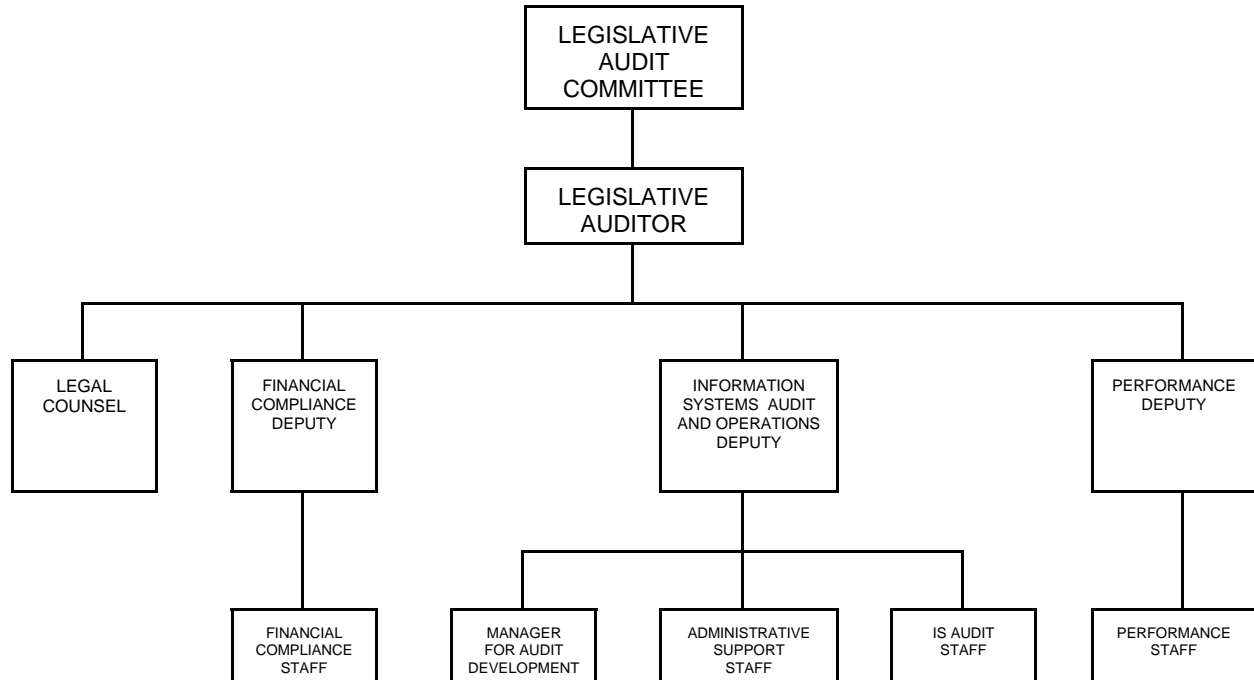
**Legislative Branch -- LEGISLATIVE SERVICES DIVISION  
ORGANIZATIONAL CHART**



**Legislative Branch -- LEGISLATIVE FISCAL DIVISION  
ORGANIZATIONAL CHART**



**Legislative Branch -- LEGISLATIVE AUDIT DIVISION  
ORGANIZATIONAL CHART**





# Legislative Branch Agency Programs

## Legislative Services Program

### Overview

The Legislative Services Program is the budgetary unit of the Legislative Branch that supports functions assigned to the Legislative Services Division.

### Goals<sup>1</sup>

The goals of the Legislative Services Division include using Legislative Services Program resources to:

- (1) provide the Legislature with economical, high-quality services within the Legislative Services Division's assigned areas of responsibility, in accordance with the long-term requirements of the legislative institution (MT 5-11-112, MCA);
- (2) draft bills for legislators and legislative committees (MT 5-11-112, MCA; Joint Rule 40-40);
- (3) support legislative services needs of the Legislature as requested through leadership, committees, committee presiding officers, and legislators (MT 5-11-112, MCA);
- (4) provide research, legal, and organizational support to interim legislative committees and other statutory committees and activities, within the limits of staff availability (MT 5-11-112, MCA);
- (5) accomplish the duties assigned to the Code Commissioner in 1-11-204, MCA, effectively and efficiently (MT 1-11-204, MCA);
- (6) support the production, engrossing, and enrolling of bills and the production of bill status reports and publications indexes, using appropriate personnel and technologies to achieve the timely and accurate production of legislative documents and information (MT 5-11-203 and 5-11-212, MCA; Joint Rules 10-120, 10-160, and 10-170);
- (7) produce session-related publications in an attractive and useful format that is economical and acceptable to a majority of the subscribers (MT 5-11-203 and 5-11-212, MCA);

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<sup>1</sup>Throughout the program section of this document, program priorities and sources of authority for the program element designed to meet the requirements of 17-7-111(3)(f), MCA, are in the form of XX ss, where XX is MT for state authority, US for federal authority, or discretionary for agency discretionary authority. Specific citations to authority, indicated by ss, follow.

- (8) publish and distribute the *Montana Code Annotated* statute text prior to October 1 following a regular legislative session (MT 1-11-204, MCA);
- (9) publish accurate updates of the annotations to the *Montana Code Annotated* once each biennium (MT 1-11-204, MCA);
- (10) publish *Montana Code Annotated* publications in an attractive and useful format that is economical and acceptable to a majority of the subscribers (MT 1-11-204, MCA);
- (11) recover all costs of producing the *Montana Code Annotated* and up to a maximum of 25% in addition to the costs (MT 1-11-301, MCA);
- (12) employ well-qualified, stable, permanent, objective, professional, and nonpartisan employees to provide effective and efficient services to the Legislative Branch, in accordance with the general policies of the Legislative Council and the statutes (MT 5-11-111, MCA);
- (13) provide library reference services to the Legislative Branch and, to a limited degree, to other state agencies and individuals (MT 5-11-112, MCA);
- (14) provide accounting, payroll, and purchasing services to the Legislative Branch (MT Joint Rule 10-100);
- (15) support effective policy development by the Legislative Council (MT 5-11-105, MCA);
- (16) provide limited research, legal analysis, and reference services in response to requests from individuals and offices within the Legislative Branch, individual legislators, other states, and interstate agencies (MT 5-11-112 and 5-11-301, MCA);
- (17) provide information in response to requests from the public about the Legislature, statutes, and state government (MT Art. II, sec. 8 and 9, Mont. Const.; Art. V, sec. 10, Mont. Const.; 5-11-112, MCA);
- (18) provide Montana citizens with increased access to unbiased information about state government deliberations and public policy events through unedited television coverage and other communication technologies (MT Title 5, chapter 11, part 11, MCA).
- (19) budget and account accurately for the costs associated with publishing and distributing the *Montana Code Annotated* statute text, annotations, and ancillary publications (MT 1-11-301, MCA);

- (20) plan, coordinate, install, operate, and maintain computer network and applications development services for the Legislative Branch (MT 5-11-112, MCA; Title 5, chapter 11, part 4, MCA);
- (21) maintain employee skills through training and information (Discretionary);
- (22) review ballot issues in accordance with the requirements of 13-27-202, MCA (MT 13-27-202, MCA);
- (23) provide an automatic, electronic, accurate billing and inventory system for the *Montana Code Annotated* and ancillary publications and for other billable activities (Discretionary);
- (24) provide automated systems to support efficient management of the legislative workflow and timely accessibility of information to the public regarding the status and disposition of legislation in the legislative process (Discretionary);
- (25) support a newsletter that reports interim legislative activities, planned meetings, and other legislative news (Discretionary);
- (26) support the provision of copy services for the dissemination of legislative information and miscellaneous other services at a price that reflects cost (Discretionary);
- (27) operate the Legislative Intern Program in such a way as to meet the requirements of Title 5, chapter 6, part 1, MCA (MT);
- (28) support Legislative Services Division accomplishment of assigned duties by providing adequate logistical support, which includes the following:
  - (a) adequate office space and furnishings;
  - (b) office equipment, supplies, and materials;
  - (c) reference books, materials, and services; and
  - (d) communications support, including telephone, mail, and other media (Discretionary); and
- (29) provide administrative support systems as required to effectively and efficiently manage Legislative Branch resources and responsibilities.

#### Authorization

Title 1, chapter 11, parts 2 and 3, MCA; Title 5, chapter 11, MCA; and legislative action each session.

## Funding

The program is funded by a combination of general and state special revenue appropriations. State special revenue is derived from the sales of goods and services produced through the program. Sufficient revenue is generated to cover employee service costs that are figured into sales prices of goods sold.

## Performance Indicators

### Personnel Management

- (1) Management guidance is clear and effective in promoting the goals.
- (2) Program employees are well prepared, highly motivated, well tempered, and dedicated to the goals of the agency.
- (3) Employee experience is maintained through attainment of a modal longevity in the range of at least 4 to 6 years.
- (4) Employee proficiency is maintained through continued opportunity for on-the-job training, both formal and informal.
- (5) Employees are well organized, and there are sufficient employees to do the job effectively but with no excess.
- (6) Employee services are provided in a professional and courteous manner.
- (7) An objective, fair, and nonpartisan stance is always evident in the provision of services.

### Legislative Research and Reference Service Requests

- (1) Legislative requests for research and reference information are filled accurately and on a timely basis.
- (2) Requests for information from other states, organizations, and the public are filled efficiently and accurately.
- (3) Adequate records are maintained to track responses to requests.

### Legislative Information and Services

- (1) Information concerning the current status of bill drafts and bills in process is provided in a timely manner and in an easily understood format for use within the Legislative Branch and state government and by the general public.
- (2) Indexes and other aids to finding legislative information are accurate, useful, and timely.

### Bill Drafting and Processing

- (1) Bill drafts accurately reflect the policy goals of the requestor and are technically accurate and in compliance with the *Bill Drafting Manual*.
- (2) Bill drafts are produced in a timely manner.
- (3) Bills are prepared, engrossed, and enrolled accurately and in a timely manner.

### Committee Staffing

- (1) Employee services to the committees are perceived as nonpartisan and fair to all members.
- (2) Members are satisfied with the services received.
- (3) High standards of technical competence are achieved in the provision of employee services.

### Interim Committee Activity

- (1) Employees provide adequate options for committee consideration to support adoption of study plans and committee work plans appropriate to the responsibilities assigned to the committee.
- (2) High-quality, pertinent reports are prepared on time.
- (3) Staff reports are well presented.
- (4) Meeting preparations by employees are thorough and timely.
- (5) Adequate records of committee activities are maintained.
- (6) Employees prepare publications that effectively express the activities and recommendations of committees.
- (7) The *Interim* newsletter is widely distributed to persons interested in following the activities of the Legislature, and the cost of printing and distribution to paid subscribers is fully reimbursed.

### Preparation and Distribution of Code and Annotations

- (1) The law is codified accurately and in a timely manner.
- (2) The annotations are prepared accurately and in a timely manner.
- (3) The annotations show creativity and produce helpful information for the code user.

- (4) The needs of the subscribing public are met.
- (5) The *Montana Code Annotated* statute text is distributed to subscribers on or before October 1.
- (6) Annotations are updated and published biennially.
- (7) *Montana Code Annotated* publications are reasonably priced and presented in a manner that is attractive and useful to the purchasers.
- (8) Budgeting and accounting records accurately reflect costs of producing *Montana Code Annotated* publications.
- (9) Sales prices of the *Montana Code Annotated* publications include all direct and indirect costs plus the percentage adopted by the Legislative Council.
- (10) The billing and inventory system uses state-of-the-art programs and is accurate and efficient.
- (11) All charges are collected promptly.
- (12) Camera-ready services are provided on a timely basis and are accurately accounted and reimbursed.
- (13) Copies and miscellaneous materials are provided on a timely basis, at cost, to requestors.

#### Ballot Measure Review

- (1) Review of the text of ballot measures adequately and clearly addresses issues of constitutionality, clarity, consistency, and other appropriate issues.
- (2) Review and filing meet all requirements of the law, especially the 14-day timeframe contained in 13-27-202, MCA.
- (3) Ballot measures filed with the Secretary of State are technically superior in quality to those initially submitted to the Legal Services Office for review.

#### Legislative Publications

- (1) Legislative documents published by the Division, such as session laws, are compiled accurately and in a timely manner.
- (2) Documents are published in accordance with legal requirements.

#### Interstate Cooperation

- (1) Employees make effective use of interstate organizational resources.

- (2) Efforts of interstate organizations are supported through exchanges of information prepared by the employees.
- (3) Employee services are enhanced through conferences, training, and information available through interstate organizations.

#### Legislative Intern Program

- (1) Employee support to the Legislative Council materially contributes to fulfilling established guidelines and Legislative Council goals for the program.

#### Logistics and Accounting

- (1) Sufficient logistical resources are allocated to accomplish program goals and objectives efficiently and effectively.
- (2) Office space is adequate and convenient for clients and employees.
- (3) Employees are provided with economically selected tools for doing their work, including appropriate technological tools.
- (4) Office supplies and materials are sufficient to support agency activities.
- (5) Accounts are maintained by the office in accordance with accounting system requirements and appropriate practices.
- (6) Account structures are appropriate to provide managers and other persons effective information regarding fiscal matters of the Legislative Branch.
- (7) Properly submitted claims are processed within 3 working days, and payroll claims are processed in time for the next ensuing payroll submission.

#### Information Technology Services

- (1) Computer systems and support meet the needs of the Legislative Branch.
- (2) System reliability is maintained within limits established by the Legislative Branch Computer Systems Plan.
- (3) Legislative Branch systems comply with statutory requirements, including compatibility with state standards.
- (4) Legislative Branch systems are cost-effective.

## State Broadcasting Services

- (1) Subject to Legislative Council approval, services during the 2005 session include, at a minimum, daily coverage of House and Senate floor sessions and two to four committee hearings and production of an hour-long, weekly summary program.
- (2) Services during the 2003-2004 interim will include coverage of selected interim committee meetings.
- (3) Programming during the session and interim is reliable, fair, accurate, and balanced without regard to partisanship or ideology.

## Legislative Committees and Activities Program

### Overview

The Legislative Committees and Activities Program is the budgetary unit of the Legislative Branch that supports expenditures of various legislative committees and activities, particularly those conducted during the interim. The program has a technical component and a policy component. The technical component represents the service provided in support of the policy component, i.e., the Legislature's purposes for activities supported by the program.

The Legislative Committees and Activities Program is designed to support the costs of the following functions with funding for:

- (a) legislator salaries and expenses;
  - (b) the printing and postage costs of studies;
  - (c) contracted services for studies; and
  - (d) other extraordinary study costs.
- (1) the interim committees established under Title 5, chapter 5, part 2, MCA:
  - (a) economic affairs interim committee;
  - (b) education and local government interim committee;
  - (c) children, families, health, and human services interim committee;
  - (d) law and justice interim committee;
  - (e) revenue and transportation interim committee;
  - (f) state administration and veterans' affairs interim committee; and
  - (g) state-tribal relations committee.
- (2) interstate cooperation activities of the Legislature as broadly authorized under 5-11-301, MCA, which typically include the following:
  - (a) the Council of State Governments/CSG West, founded in the 1930s to enhance interstate cooperation and sharing of information. Section 5-11-301, MCA, specifically assigns the Legislative Council the function of carrying forward the participation of the State of Montana as a member of the Council of State Governments.



- (b) the National Conference of State Legislatures, formed in 1975 from three separate legislative organizations to improve the quality and effectiveness of state legislatures, to foster interstate communication and cooperation, and to ensure legislatures a strong, cohesive voice in the federal system; and
  - (c) the National Conference of Commissioners on Uniform State Laws, established in 1892 to promote uniformity of law among the states in areas in which uniformity is desirable.
- (3) other legislative committees and activities for which appropriations are made that typically include the following:
  - (a) the Legislative Council, established in 1957 and reorganized in 1995 as a permanent joint committee. The Legislative Council's mission is to provide ongoing leadership, direction, and foresight for the efficient operation and improvement of the Legislative Branch; to establish personnel and pay policies in order to maintain professional and highly motivated employees; to educate the public about the Legislature and foster public participation in the legislative process; and to preserve the integrity of the Legislature as an equal branch of government. The powers and duties of the Legislative Council are set forth in 1-11-301, 2-17-805, 5-11-105 through 5-11-107, 5-11-301, and 5-11-703, MCA.
  - (b) the Environmental Quality Council (EQC), established in 1971, has four major duties identified in the Montana Environmental Policy Act (MEPA) (Title 75, chapter 1, parts 1 through 3, MCA), which are to research and analyze environmental trends; to monitor environmental actions and policies of state agencies; to recommend ways to improve the state's natural, social, and economic environments; and to assist the Legislature with environmental legislation; and
  - (c) the Districting and Apportionment Commission, required by Title 5, Chapter 1, part 1, MCA.

## Goals

The goals of the Legislative Committees and Activities Program are as follows:

Technical goals are to:

- (1) pay legislator salaries, travel expenses, communications expenses, consultant costs, and other direct costs associated with the conduct of interim studies assigned under 5-5-211 and 5-5-217, MCA (MT 5-11-112, MCA);
- (2) pay the cost of legislator participation in the activities of organizations promoting interstate or international cooperation (MT 5-11-112, MCA); and

- (3) pay the cost of other legislative activities for which appropriations are made (MT 5-11-112, MCA).

Policy goals are to:

- (1) support accomplishment of the duties assigned to the interim committees under 5-5-215, MCA (MT 5-11-215, MCA), the following being the most important:
  - (a) the review of administrative rules within the committee's jurisdiction;
  - (b) the conduct of interim studies as assigned;
  - (c) monitoring the operation of assigned executive branch agencies with specific attention to the following:
    - (i) identification of issues likely to require future legislative attention;
    - (ii) opportunities to improve existing law through the analysis of problems experienced with the application of the law by an agency; and
    - (iii) experiences of the state's citizens with the operation of an agency that may be amenable to improvement through legislative action;
  - (d) review of proposed legislation of assigned agencies or entities;
  - (e) accumulation, compilation, analysis, and furnishing of information bearing upon a committee's assignment and relevant to existing or prospective legislation as the committee determines, on its own initiative, to be pertinent to the adequate completion of its work;
  - (f) accumulation, compilation, analysis, and furnishing of information pertinent to important issues of policy and questions of statewide importance;
  - (g) preparation of bills and resolutions for the next Legislature; and
  - (h) maintenance of accurate records of the committee's activities and proceedings.
- (2) support the Legislative Council in promoting the interstate and international cooperation goals established in 5-11-301, MCA, (MT 5-11-301, MCA), particularly to:
  - (a) carry forward participation in the Council of State Governments and the National Conference of State Legislatures;
  - (b) encourage state government in developing and maintaining friendly contact with other states and levels of government, including tribal governments,

bordering Canadian provinces, and regions designated as sister states by the Legislature;

- (c) establish delegations to confer with similar delegations from other states, provinces, and countries; and
  - (d) advance cooperation with other units of government through suitable means; and
- (3) achieve the goals established by the authorizing legislation and committee action for other interim activities, such as statutory and *ad hoc* committees that the Legislative Services Division is assigned to support (MT specific authority varies).

#### Authorization

Authorization is discussed in relation to each program goal or function.

#### Funding

Biennial general fund appropriations compose most program funding, while appropriations from other, rather ephemeral, sources are also directed to the program. Funding is typically biennial since the interim work pattern of the Legislature is better reflected through biennial appropriations.

#### Performance Indicators

##### Technical

- (1) Program accounts provide information necessary to support budget management of program activities.
- (2) Program accounts provide information needed to establish reasonable budget proposals.
- (3) Program accounting supports efficient allocation of funds appropriated for interim studies among committees and interim support activities, including maintenance of an appropriate reserve for issues of statewide importance.

##### Policy

- (1) Interim Committees:
  - (a) Information developed through committee activity is of continuing value in deliberations on the subject of the study or activities of an assigned agency as appropriate.
  - (b) Committee work tells legislators something new about the subject or agency under study or provides appropriate emphasis or organization for information otherwise known.

- (c) Publications adequately document the nature of the subject under study and the monitoring activities conducted with respect to agencies and rulemaking subject to committee jurisdiction.
- (d) Publications document issues identified as likely to require future legislative attention, opportunities to improve existing law; or experiences of citizens with operation of an agency and legislation that might improve agency operation in that connection.
- (e) Appropriate legislation is drafted for introduction in the legislature as determined by the appropriate committee.
- (f) Governmental agencies and interest groups find information developed by the committee activity to be relevant, adequate, and fair in terms of balance and completeness.
- (g) The activity promotes effective and appropriate public involvement in the legislative process.
- (h) Committee activities are well planned and carried out in a logical, orderly manner.
- (i) A clear, concise record of the committee's activities is available.
- (j) A retrospective analysis by the Legislative Council or other policy level review body suggests that it was worthwhile to have chosen the study as a priority.

(2) Interstate Cooperation:

- (a) Participation facilitates the orderly interchange of legislative service agency information and publications among the states.
- (b) Informal cooperation among governmental offices and personnel is promoted.
- (c) Access to legislative information from other states, local governments, tribal governments, bordering Canadian provinces, regions designated as sister states, and interstate organizations is enhanced.
- (d) Legislator members have the opportunity to participate effectively in conferences with their peers from other states.
- (e) Montana's opportunity to participate in the formulation of policy statements of interstate legislative organizations is fulfilled.

# Services Division Feed Bill Program

## Overview

The Services Division Feed Bill Program is the budgetary unit of the Legislative Branch that supports functions assigned to the Legislative Services Division specifically to support the operations of a legislative session traditionally budgeted in the Feed Bill. Program services include coordinating the printing and distribution of bills and other legislative information on paper and other media, the printing and distribution of post-session legislative publications, providing central legislative information, telephone reception, and messaging services, and supporting the costs of telephones and related communications services.

## Goals

The goals of the Services Division Feed Bill Program are to:

- (1) coordinate the printing and distribution of legislative documents on paper and in electronic form on behalf of the Senate and House of Representatives and the general public immediately before, during, and after a legislative session and to:
  - (a) ensure an appropriate number of copies of documents are published on a timely basis;
  - (b) accurately estimate costs as a basis for printing and distribution budgeting and recommending a basis for the Legislative Council to set the cost of proceedings under 5-11-212, MCA; and
  - (c) provide excellent service to public and private sector customers of legislative printing and distribution to ensure that document needs are met in a timely, efficient manner;
- (2) provide walk-up and telephonic reception and information services to the public on behalf of the Legislature while the Legislature is in session, and to:
  - (a) provide as many inquiring members of the public as possible with accurate, timely information regarding the status of legislation and legislative information in general;
  - (b) record messages from the public to legislators in a clear, accurate manner;
  - (c) direct walk-in visitors to the Capitol to appropriate points of destination; and
  - (d) provide miscellaneous information-related services to legislators as required in a timely, efficient manner;
- (3) provide a budget adequate to support the telephone communication needs of the Legislature during the session and the interim;
- (4) print postsession legislative publications, as required by law, on a timely basis and
- (5) establish an accurate budget basis for printing publications as required by Title 5, chapter 11, part 2, MCA, and Joint Rule 10-170.

### Authorization

Section 5-11-112, MCA, and Title 5, chapter 11, part 2, MCA.

### Funding

The program is funded through a general fund appropriation in the bill (feed bill) appropriating money for the legislative session involved.

### Performance Indicators

- (1) For legislative printing and distribution:
  - (a) Printing and distribution are completed within the required time limits.
  - (b) Printing costs are controlled by application of reasonable judgment to limit printing to required levels, consequently limiting overruns.
  - (c) Budget estimates provide sufficient funding to meet anticipated levels of activity and a reasonable basis for the reimbursable fee recommendation to the Legislative Council.
  - (d) Public and private customers receive outstanding services.
  - (e) Money received in fees is properly handled and accounted for.
  - (f) The budget for postsession publications is sufficient to meet required printing and distribution needs.
- (2) For telephone information services:
  - (a) Calls are answered and handled in a manner so that no more than three callers are ever on the hold queue.
  - (b) Calls are generally dealt with in less than 90 seconds.
  - (c) Correct information is given regarding bill status and the legislative process.
  - (d) Calls are answered in a courteous, professional manner.
  - (e) The budget for legislative telephone services is sufficient to meet anticipated service levels.
- (3) For message recording and distribution:
  - (a) Information regarding the caller's name, address, and phone number is accurate and complete.
  - (b) Messages are easily understood by legislators.
  - (c) Messages are written so that they are easily read by legislators.
  - (d) Messages are delivered to legislators' desks within 30 minutes of receipt by the Information Office when the Legislature is not convened and within 15 minutes when the Legislature is convened.
  - (e) Messages sent from lobbyists or visitors to legislators when the Legislature is convened are delivered to legislators within 5 minutes of receipt by the information office.

- (4) For Capitol visitor services:
  - (a) Documents prepared by the Information Office for visitors and lobbyists are useful and easily interpreted.
  - (b) Visitors are given correct information regarding committee meeting locations and directions to those locations.
  - (c) Services are rendered in a courteous, professional manner.

## **Senate Program**

### Overview

The Senate Program is the budgetary unit of the Legislative Branch that supports Senate operating costs associated with senators' salaries, benefits, and travel expenses not related to interim studies; Senate employee salaries, benefits, and related costs; Senate supplies and materials; and costs for preparing for the succeeding session.

### Goals

The goal of the Senate Program is to support budgeting for the customary and necessary expenses of the Senate in accordance with the wishes of the President of the Senate as approving authority and with the will of the Legislature.

### Authorization

Article V, Montana Constitution; Title 5, chapters 2 and 3, MCA.

### Funding

The program is funded through a general fund appropriation in the bill (feed bill) appropriating money for the legislative session involved.

### Performance Indicators

The budget is adequate to meet anticipated requirements of the Senate.

## **House of Representatives Program**

### Overview

The House of Representatives Program is the budgetary unit of the Legislative Branch that supports operating costs associated with representatives' salaries, benefits, and travel expenses not related to interim studies; House of Representatives employee salaries, benefits, and related costs; House of Representatives supplies and materials; and costs for preparing for the succeeding session.

### Goals

The goal of the House of Representatives Program is to support budgeting for the customary and necessary expenses of the House of Representatives in accordance with the wishes of the Speaker of the House as approving authority and with the will of the Legislature.

### Authorization

Article V, Montana Constitution; Title 5, chapters 2 and 3, MCA.

### Funding

The program is funded through a general fund appropriation in the bill (feed bill) appropriating money for the legislative session involved.

### Performance Indicators

The budget is adequate to meet anticipated requirements of the House of Representatives.

## **Fiscal Analysis and Review Program**

### Overview

The Fiscal Analysis and Review Program is used by the Legislative Fiscal Division to conduct its operations and fulfill its responsibilities. The program provides fiscal analysis of state government to the Legislature and researches, compiles, analyzes, and provides information bearing upon the financial matters of the state and policy issues of statewide importance. The Legislative Finance Committee oversees the operation of the Division.

### Goals

The goals of the Fiscal Analysis and Review Program are to:

- (1) assist the Legislature in the budget process by:
  - (a) analyzing the executive budget and state fiscal condition prior to each regular and special legislative session (MT 5-12-302(3), MCA);
  - (b) providing assistance to the Legislature throughout the appropriations process and on all matters of fiscal policy, including generating The General Appropriations Act (MT 5-12-302, MCA); and
  - (c) maintaining implementation and historical records of legislative budget action, including the publishing of the postsession Legislative Fiscal Report (MT 5-12-302, MCA);
- (2) estimate revenue from existing and proposed taxes by:



- (a) providing data and recommendations concerning revenue estimates to the Revenue and Transportation Interim Committee in compliance with 5-18-107, MCA (MT 5-12-302(2), MCA);
  - (b) providing assistance in the revenue estimation process and tax policy analysis during legislative sessions (MT 5-12-302, MCA); and
  - (c) monitoring and reporting on revenue collections, trends, and forecasts throughout the biennium (MT 5-12-302, MCA);
- (3) provide for the fiscal analysis of state government by preparing reports on significant fiscal issues to enable the Legislative Finance Committee and the Legislature, at their request, to formulate legislative fiscal policy (MT 5-12-302, MCA);
- (4) assist legislative committees and individual legislators in compiling and analyzing fiscal information by:
  - (a) providing assistance to legislative committees as assigned by law, including the Legislative Finance Committee, Revenue and Transportation Interim Committee, and the post-secondary education policy functions of the Education and Local Government Interim Committee (MT 5-12-302, 5-20-207, and 17-1-505, MCA); and
  - (b) responding to legislative requests for information on state fiscal and policy issues (MT 5-12-302(6), MCA);
- (5) provide for statutory review of budget amendments, supplemental appropriations, and budget reductions as recommended by the Governor, as well as other statutory and appropriation bill language directives for fiscal review (MT 17-7-140, 17-7-302 and 17-7-402, MCA);
- (6) provide a pre-session analysis of the economic and fiscal conditions facing the next Legislature, including revenue and budget projections for the general fund and projected ending fund balances (Discretionary); and
- (7) assist in maintaining and supporting a fiscally informed Legislature by:
  - (a) providing clear and concise fiscal training and budget explanation material for legislators and the public (Discretionary); and
  - (b) preparing a fiscal "primer" for pre-session seminars and other training opportunities (Discretionary).

#### Authorization

The duties of the Division are provided in The Legislative Finance Act (Title 5, chapter 12, MCA).

## Funding

The program is funded by the general fund.

## Performance Indicators

- (1) The Budget Analysis Report provided for a legislative session is the primary working document of the appropriations process and facilitates formulation of effective budget policy.
- (2) Timely completion of each phase of the appropriations process is ensured through effective staffing of committees and compilation of budget action to meet all prescribed deadlines.
- (3) A general fund status report is provided that is timely and that provides concise and clear information on the status of the budget process to the Legislature throughout the session.
- (4) By June following a regular session, a Legislative Fiscal Report is finished, providing a concise yet complete summary of legislative budget action taken by the Legislature.
- (5) Legislative leadership and committees satisfactorily receive timely information on all existing and emergent fiscal policy issues, both during session and in the interim.
- (6) The interim work plan prescribed by the Legislative Finance Committee is completed in a timely and effective manner.
- (7) Revenue estimation data and recommendations that provide an effective working document for development of session revenue estimations are provided to the Revenue and Taxation Interim Committee.
- (8) Well-planned interim committee and subcommittee activities are provided and carried out in a logical, orderly manner and are relevant and assist the committee in addressing the issues of fiscal policy resulting in and arising from the study activity.
- (9) All requests for information receive responses in a timely and thorough manner.
- (10) Satisfactory feedback is received from all committees staffed by the Division, indicating effective support and maintenance of committee needs.
- (11) A pre-session general fund projection report is provided, enabling the Legislature to understand and prepare for the fiscal and budget issues facing it in the ensuing session.

- (12) A fiscal training manual and appropriate budget pamphlets are prepared and used by the Legislature and the public to understand the appropriations process and major fiscal issues.

## **Audit and Examination Program**

### Overview

The Audit and Examination Program is used by the Legislative Audit Division to conduct its operations and fulfill its responsibilities. The program supports financial-compliance audits, performance audits, information system audits, and legislative request work. Through the issuance of audit reports, letters, or memorandums, the Division makes comments, recommendations, and suggestions for the improvement of state agency operations and activities.

### Goals

The goals of the Legislative Audit Division include using the Audit and Examination Program to:

- (1) conduct financial-compliance audits in accordance with applicable audit standards to determine whether an audited agency's financial operations are properly conducted, the financial reports are presented fairly, and the agency has complied with applicable laws and regulations (MT 5-13-308, MCA);
- (2) conduct an audit of each state agency at least once each biennium in accordance with state and federal laws (MT 5-13-304, MCA);
- (3) conduct audits on an annual basis based on agency requests or legal requirements (MT 5-13-304, MCA);
- (4) complete the annual statewide audit (MT 5-13-304 and 17-2-110, MCA);
- (5) complete the biennial federal Single Audit (US 31 U.S.C., sec. 7501, *et seq.*; P.L. 98-502);
- (6) complete special projects and investigate identified or suspected fraudulent activities involving federal or state agencies subject to program jurisdiction (MT 5-13-311, MCA);
- (7) conduct performance audits in an objective and systematic manner to assess the performance of state government operations, evaluating the audited program in relation to principles of proper management, control, and use of resources and in accordance with auditing standards, and to determine whether the audited activity is accomplishing its purposes and whether those purposes can be achieved with greater efficiency and economy (MT 5-13-304 and 5-13-308, MCA);
- (8) conduct information systems (IS) audits to examine controls within the IS environment to determine whether controls exist and are operating to provide

assurance over the accuracy, reliability, and integrity of the information processed and reported (MT 5-13-304, MCA);

- (9) provide the Legislature and state agency directors and program managers with independent information regarding whether agencies or programs:
  - (a) conduct only those activities and programs authorized by the Legislature;
  - (b) conduct programs effectively and efficiently;
  - (c) make expenditures only in accordance with applicable laws and regulations;
  - (d) collect and account properly for all revenue and receipts; and
  - (e) adequately safeguard and control assets (MT 5-13-308, MCA); and
- (10) provide assistance requested by committees and members of the Legislature (MT 5-13-306, MCA).

#### Authorization

The duties of the Division are provided in Title 5, chapter 13, MCA, implementing Article V, section 10(4), of the Montana Constitution.

#### Funding

The program is funded by a combination of general fund and special revenue appropriations. Special revenue is derived through the assessment of approved hourly rate charges to agencies for the performance of audit services.

#### Performance Indicators

- (1) All audits are completed in accordance with the applicable auditing standards issued by the American Institute of Certified Public Accountants and the United States General Accounting Office.
- (2) Financial, compliance, performance, and IS audits required by federal and state law are completed within the biennium and within 1 year of the end of the fiscal year under audit as required in 5-13-304, MCA.
- (3) Four performance audit reports established as priorities by the Legislative Audit Committee are completed and issued.
- (4) The statewide audit is completed by December 31 of each year.
- (5) The federally required single audit is issued within 9 months of the end of the audit period.

- (6) Audit work requested by the Legislative Audit Committee is completed in a timely manner.
- (7) At least 65% of the recommendations made in reports issued during a biennium are implemented.